IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 18455 of 2006

Dated 11th September, 2006

Between

Sree Mahaveer Memorial Trust, rep. By its Secretary,
Sumermal Jain, Indira Gandhi Nagar, Guntur and anr

....Petitioners

and

The Government of AP, rep. By its Principal Secretary,
Higher Educationl Department, Secretariat, Hyderabad and ors.

....Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18455 of 2006

ORDER:

Certain teaching and non-teaching staff of second petitioner-college were redeployed on duty basis to the needy colleges on the ground that the strength of the said college was uneconomic. As against the said order passed by the Commissioner of Intermediate Education, the petitioners have preferred appeal on 14-6-2006. But, however, after issuing notice dated 8-8-2006 for hearing, the appellate authority disposed of the appeal by the order impugned herein.

The order of the appellate authority is questioned mainly on the ground that no opportunity was given by the appellate authority

before disposing of the appeal. It is stated that though notice dated 8-8-2006 was issued fixing the date of hearing of the appeal on 11-8-2006 at 12.30 p.m., but however, it is stated that, management of the second petitioner had received the notice on 11-8-2006 at 1.00 PM.

Earlier, when the matter had come up for hearing on 7-9-2006, it was adjourned for getting instructions. It is submitted by the learned Government Pleader appearing for the respondents that the management of the first petitioner appeared at 3.00 PM on 11-8-2006 itself; in that view of the matter, the allegation of the petitioner is false. But, however, it is not in dispute that no notice was served on the management before 12.30 pm, on 11-8-2006. In any event, it is to be seen, the appeal was filed on 14-6-2006 and notice of hearing dated 8-8-2006 was issued fixing the date of hearing of the appeal on 11-8-2006 at 12.30 noon, leaving only two intervening days. As much as the appellate authority has passed order without going into the merits of the case, and, without hearing the management of the petitioners, I deem it appropriate to set aside the order dated 23-8-2006 passed in Memo No.7608/IE.II.I/2006-3 and to direct the appellate authority to hear the matter afresh by issuing advance notice of hearing and pass appropriate orders. Pursuant to the orders dated 25-5-2006, if the teaching and non teaching staff ordered to be redeployed are continued in the petitioner-college as on today, they shall be continued as such till the disposal of the appeal by the appellate authority.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 11-09-2006.
Msnr.

-
-